

ARTICLE III. DEFINITIONS

Words and terms not explicitly defined in this Ordinance shall have the meaning given by common and ordinary use as defined in Webster's New Collegiate Dictionary. The following specific definitions shall apply:

Accessory. A use or structure customarily incidental and subordinate to the principal use or structure, and located on the same lot as such principal use or structure.

Acre, gross. A measure of land equal to 43,560 square feet.

Acre, net. A gross acre less: street rights-of-way, both public and private; all land located within the 100 year flood plain; all water impoundments; and all lands proposed to be dedicated to a governing authority.

Adult Day Care Facility. Adult Day Care Facilities shall include any building or portion thereof used to house four (4) or more adults requiring care, maintenance, and supervision for part of a day. (Adopted 06/28/07)

Alteration. Any change in the supporting members of a building; any addition to or reduction of a building; any change in use; or any relocation of a building.

Agriculture. The raising of soil crops and livestock in a customary manner on tracts of land at least five (5) acres in size, including all associated activities.

Animal. For the purpose of this ordinance the word animal shall mean either a domestic dog (canis familiaris) or domestic cat (felis catus). It shall not include livestock (see Sec. 3-62.). The number of animals kept shall be limited to three (3). (Adopted 08/25/05)

Animal, Exotic. This shall include any species or family or breed (including hybrids) of exotic animals listed by the Georgia Department of Natural Resources (DNR) as being exotic or wild (State law Ref. O.C.G.A.'27-5-1 as presently stated and as hereafter amended). Unless otherwise provided in O.C.G.A. '27-5-4 as presently stated and as hereafter amended; it shall be prohibited for any person to import, transport, transfer, sell, purchase, or possess any wild or exotic animal listed in O.C.G.A. '27-5-5 as presently stated and as hereafter amended. (Adopted 08/25/05)

Antenna. Any exterior apparatus designed for telephonic, radio, or television communication through the sending and/or receiving of electromagnetic waves.

Automobile Service Station. A land use where gasoline, oils, greases, batteries, tires, and

general automobile accessories may be provided, but where no part of the premises is used for the storage or dismantling of wrecked or junked vehicles.

Basement. The area below the first floor level in a building and having not more than one-half (2) of its height above grade.

Breezeway. A roofed, open-sided or screened passageway connecting two structures, such as a house and a garage.

Buffer. A portion of a tract which is set aside to provide a visual separation from abutting tracts, uses, or streams through the use of natural vegetation or other means including replanting or the provision of supplemental plantings or other visual screening elements or noise attenuation devices.

Building. Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure any person, animal, process, equipment, goods or property of any kind.

Building Height. The vertical distance of a building measured from the median height of the basement level or crawl space to the midpoint of the highest roof. The midpoint shall be measured from the ceiling joist of the highest floor level to the top of the highest roof surface. For structures constructed without a basement or crawl space, the measurement will be taken beginning at the ground floor level. See also, Tower Height. (Amended 07/24/03; 05/26/05)

Building Line, Front. A line running between the side property lines as parallel as possible to the street which touches the nearest point of the principal structure to the street. (Amended 01/24/08)

Building Line, Minimum. (Deleted in its entirety 01/24/08)

Building, Principal. A building in which the principal use of the lot is conducted.

Business Park. A planned center for the delivery of goods and services consisting of at least ten (10) acres and identifiable as a unit.

Business Vehicles. Any vehicle used for business purposes whether or not the owner is a private or governmental entity except that school buses shall be excluded.

Cabana. An open or partially enclosed structure used in conjunction with a pool or lake/pond commonly containing a changing area, and/or seating area, and/or a restroom. (Amended 01/24/08)

Campground Facilities. Any lot where two (2) or more recreational vehicles and/or tents (which are normally associated with outdoor camping) are parked and/or erected for short-term occupancy of fifteen [15] days or less.

Care Home. A convalescent center, nursing home, rest home, home for the aged, assisted living facility, or similar use established and operated on a profit or non-profit basis to provide lodging and/or meals and/or domiciliary care for aged, infirm, chronically ill or convalescent persons. (Amended 12/15/05)

Carport, attached. A roofed open-sided motor vehicle shelter formed by extension of a roof from a building in a residential zoning district. (Amended 06/26/08)

Carport, detached. A roofed open-sided motor vehicle shelter in a residential zoning district. (Adopted 06/26/08)

Cemetery. A burial ground.

Cemetery, Commercial. The operation of a burial ground where burial sites are sold or exchanged for donations; however, this definition shall not include a cemetery maintained by and adjacent to a church.

Church or other place of Worship. A building used for public worship including temples, synagogues and related Sunday School or Church School facilities.

Clinic. An establishment where medical or dental patients are admitted for examination and treatment, but where there is no overnight lodging.

Club or Lodge, Private. All incorporated or unincorporated associations for civic, social, cultural, religious, fraternal, literary, political, recreational, or like activities, operated for the benefit of the members and not open to the general public.

Common Area. Any part of a development that is not part of a building lot and is designated for the common usage of the development. (Adopted 08/14/08 and enacted 10/01/08)

County Engineer. A person so designated by the Board of Commissioners.

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Covered Patio or Covered Deck, detached. An open or partially enclosed structure consisting of a roof with supporting posts/columns commonly containing a seating/dining area, and/or outdoor kitchen, and/or spa/hot tub. (Adopted 01/24/08)

Curb Cut. The point at which vehicular access is provided to a lot from an adjoining street.

Day Care Facility. An agency, organization, or individual providing daytime care for four (4) or more individuals not related by blood or marriage or not the legal wards of the attendant adult. See also, Nursery School or Kindergarten.

Daylight Hours. That period of time beginning thirty (30) minutes before sunrise and ending thirty (30) minutes after sunset.

Density. The number of dwelling units per net acre.

Density, High. High density is defined as more than four (4) dwelling units per net acre.

Density, Low. Low density is one (1) dwelling unit or fewer per two (2) net acres.

Density, Medium. Medium density is one (1) to three (3) dwelling units per net acre.

Drive-In. A retail or service enterprise wherein service is provided to the customer on the outside of the principal building.

Dwelling. A building or portion of a building, designed for, or occupied for residential purposes.

Dwelling, Multi-Family. A dwelling designed for three (3) or more families living independently of each other.

Dwelling, Single-Family. A detached dwelling designed for a single family.

Dwelling, Townhouse. One of a series of three (3) or more attached dwelling units on separate lots which are separated from each other by party wall partitions extending at least from the lowest floor level to the roof.

Dwelling, Two-Family. A building containing two (2) single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof.

Dwelling Unit. One or more rooms within a structure forming a separate, independent housekeeping establishment with provisions for cooking, eating, sleeping, sanitation, and which is physically set apart from any other rooms or dwelling units in the same building.

F.A.A. The Federal Aviation Administration.

Family. One or more persons occupying a single dwelling unit, provided that all persons are related by blood or marriage, or are lawful wards, and shall also include a group of persons, not exceeding four (4), living and cooking together as a single, nonprofit housekeeping unit. The members of said group need not be related by blood or marriage or be lawful wards, where said group is occupying a single dwelling unit. (Amended 12/09/04)

Farm. A parcel of land devoted to the raising of agricultural products and/or livestock.

F.C.C. The Federal Communications Commission.

Fence. Structures made of posts, columns, boards, wire, pickets, wrought iron or rails. (Adopted 08/14/08 and enacted 10/01/08)

Financial Institution - Any trust company, savings bank, industrial bank, savings and loan association, building and loan association, commercial bank, credit union, federal association, investment company, or other business association, which is chartered under federal or state law, solicits, receives, or accepts money or its equivalent on deposit and loans money as a regular business. (Adopted 08/26/04)

Floor Area, Accessory Structure. The sum of the horizontal areas of the several floors of the structure under roof, excluding any space where the floor-to-ceiling height is less than six (6) feet.

Floor Area, Principal Structure. The area of a dwelling exclusive of unheated attic, basement, garage, carport, patios, and open porches measured from the exterior face of the exterior walls of a dwelling.

Garage, Parking. A structure, lot or any portion thereof which is open to the public in which one or more vehicles are housed or kept, not intending exhibition or showroom or storage or cars for sale.

Garage, Private. An enclosed accessory building or an enclosed portion of a principal building used only for private storage of permitted motor vehicles.

Garage, Repair. A garage intended to be used to make commercial automobile or other motor vehicle repairs.

Gazebo. A freestanding, circular roofed structure open on all sides, but enclosed by a railing, and used for outdoor seating in residential zoning districts.

Governing Authority. The Fayette County Board of Commissioners.

Home Occupation. An occupation involving the sale of goods or services conducted within a dwelling by members of a family residing in the dwelling.

Hospital. Any institution receiving in-patients, providing a staffed 24-hour emergency care facility, and authorized under Georgia law to render medical, surgical, and/or obstetrical care. The term "hospital" shall include a sanitarium, with an approved Certificate of Need (CON) from the State Health Planning Agency, for the treatment and care of various forms of mental illness, but shall not include office facilities for the private practice of medicine, dentistry or psychiatry.

Hotel. A building in which overnight accommodations are provided to the public. The term "hotel" includes the terms "motel" and "tourist court".

Impervious Surface. A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

Industrialized Building. Any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation on a non-residential building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof.

Junk or Salvage Yard. Property used for outdoor storage, keeping, abandonment, sale or resale of junk including scrap metal, rags, paper or other scrap materials, used lumber, salvaged house wrecking and structural steel materials and equipment, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof.

Junked Automobile. See Vehicle, Abandoned.

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Kennel. Any location where any combination of animals are kept in excess of three (3) shall be deemed to be a kennel. This definition does not include not more than one (1) litter of dogs or cats of not more than six (6) months of age. (Amended 08/25/05)

Kindergarten. See Nursery School or Day Care Facility.

Landscape Areas. A maintained area of grass or ornamental planting materials.

Livestock. Animals that are kept or raised, for use, profit, or for food, including but not limited to, horses, cattle, goats, sheep, pigs, pot bellied pigs, chickens, ducks, geese, mules, rabbits, emu/ostrich, buffalo, and llamas. This term shall be deemed to specifically exclude domestic dogs and domestic cats. (Amended 08/25/05)

Loading Space. Space logically and conveniently located for pick-up and delivery service, scaled to the vehicles expected to be used, and accessible to such vehicles at all times.

Lot. A parcel of land of varying size which is designated as a single unit of property.

Lot, Corner. A lot located at the intersection of two (2) streets.

Lot Depth. The distance between the front and rear lot lines.

Lot, Interior. A lot which has frontage on only one (1) street.

Lot, Landlocked. A lot of record having no frontage on a County-maintained street.

Lot, Through. A lot, other than a corner lot, having frontage on more than one (1) street.

Lot Width, Minimum. The minimum distance between side lot lines measured along the front minimum building line for a depth of at least eighty (80) feet.

Lot of Record. An area designated as a separate and distinct parcel of land on a recorded subdivision plat approved in accordance with the Fayette County Subdivision Rules and Regulations, or in a legally recorded deed.

Manufactured Housing. Manufactured housing means a structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on a site, it is 320 or more square feet and which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the

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plumbing, heating, air conditioning, and electrical systems contained therein. For the purposes of this Ordinance, the term "mobile home" shall be construed to mean "manufactured housing" or "manufactured home."

Manufactured Home Park. Any lot where two (2) or more manufactured homes are installed for living purposes, including any land or structure used by occupants of manufactured homes on such premises.

Manufactured Home Space. A plot of ground within a manufactured home park designed to accommodate a single manufactured home.

Mini-storage Facility. Storage facilities which are leased to the public.

Motel. See Hotel.

Non-Emergency Medical Transport Service. A service licensed by the State of Georgia under O.C.G.A. 31-11-1 through 31-11-82 as applicable and as administered by the Department of Human Resources providing prearranged non-emergency medical transport. (Adopted 07/26/07)

Nonconformance. A legally existing lot, use, building or structure which fails to comply with the provisions herein, as of the effective date of this Ordinance, or as the result of subsequent amendments.

Nursery School or Kindergarten. An agency, organization, or individual providing daytime care of four (4) or more children not related by blood or marriage or not the legal wards of the attendant adult. See also, Day Care Facility.

Open Space. Land within and related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and their guests of the development and may include such complementary structures and improvements as are necessary and appropriate.

Parking Space. An area for off-street motor vehicle parking.

Pavilion. A freestanding roofed structure generally supported by poles and open on the sides with a permanent foundation that is used for picnic/social gatherings.

Public Utility Facility. A location of or for Public Utilities such as a electric substation or water treatment plant or a location where a business organization (as an electric company) performing a public service and subject to special governmental regulation and the public service commission. (Adopted 06/24/04)

Pole Barn. A large structure for the storage of farm products, feed, or the housing of farm animals or farm equipment, supported by poles, in agricultural zoning districts.

Porte Cochere. An extension of the roof projecting over a driveway at an entrance of a building and sheltering those getting in or out of vehicles. Also called a carriage porch. (Adopted 06/26/08)

Public Water Facilities. Mains and service lines owned and operated by the Fayette County Water System, or, when approved by the County Commissioners, a private water system operating under the direct supervision of the Department of Natural Resources.

Recreation Vehicle. A self-propelled or towed vehicle used as a temporary dwelling for travel and recreational purposes. Recreation vehicles shall include camping trailers and travel trailers in addition to self-propelled vehicles and shall not exceed eight and one-half (8.5) feet in width and forty-five (45) feet in length.

Recycling Facility. A facility engaged in the collection, separation, storage and processing (baling, compacting, grinding, or shredding) of household and office type recyclable materials only (aluminum and tin cans, cardboard, glass containers, magazines, newspaper, paper, plastic containers and telephone books) to facilitate the shipment of such materials to an industrial end-user.

Rifle Range, Commercial. Any rifle range operated wherein a fee is charged for its use.

Rifle Range, Private. Any rifle range used by a club or a group of more than two (2) non-resident members.

Setback. The area as designated by this Ordinance in which a structure may not be erected, as measured from the property boundaries of the lot or from the buffer line if a buffer is required.

Sewer System, Central Sanitary. Collection of sanitary sewage via a pipe network, transportation to a common collection point and treatment to required Department of Natural Resources criteria prior to release.

Sewer System, Community Sanitary. A sanitary sewer system provided for the collection of sanitary sewage for a platted subdivision of not less than thirty (30) lots via a pipe network with transportation to a common collection point for on-site treatment via a drip irrigation discharge system.

Shopping Center. Two (2) or more commercial establishments planned and managed as a single unit with off-street parking and loading facilities provided on the property.

Storefront Warehouse. A wholesale or retail establishment where at least fifty (50) percent of the building is used for storage of the products.

Street. A roadway for traffic which may or may not be publicly owned.

Street, Access. A street intended to carry traffic between commercial uses and a major thoroughfare.

Street, Private. A street that is privately owned and used.

Street, Public. A street that is used for travel by the general public, whether or not it is owned by a public agency.

Structure. A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. Among other things, structures include buildings, manufactured homes, signs, and swimming pools, but do not include walls or fences.

Subdivision. All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development and includes all divisions of land involving a new street or change in existing streets, and includes resubdivision and where appropriate to the context, relates to the process of subdividing or to the land or area subdivided; provided, however that the following are not included within this definition: (Amended 04/22/04)

- (a) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the municipality; (Amended 04/22/04)
- (b) The division of land into parcels of five (5) acres or more where no new street is involved. (Amended 04/22/04)

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Swimming Pool Screened Enclosure. A structure or part thereof, in whole or in part, self-supporting and having walls of insect screening and a roof of insect screening, commonly made of plastic, aluminum, or similar lightweight material. (Adopted 01/24/08)

Thoroughfare, Arterial. A street designated to carry traffic into and out of a city.

Thoroughfare, Collector. A street designated to carry traffic between minor thoroughfares and major thoroughfares.

Thoroughfare, Major. A street designated on the Thoroughfare Plan as a major thoroughfare and being classified as either arterial or collector.

Thoroughfare, Minor. A street designated to carry primarily local or neighborhood traffic.

Tourist Court. See Hotel.

Tot lot. An improved and equipped play area for small children usually up to elementary school age.

Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and alternative tower structures.

Tower Facilities. Includes towers, antennas, and all accessory buildings and structures, excluding tower anchors.

Tower Height. When referring to a tower or tower facilities, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna. See also, Building Height.

Tower structure, alternative. Man-made trees, clock towers, bell steeples, light poles, and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.

Towers and Antennas, Pre-Existing. Any tower or antenna permitted prior to June 27, 1996.

Townhouse. See Dwelling, Townhouse.

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Trailer (Office Type). A vehicle designed for towing, not intended for use as a dwelling, temporary or permanent, and restricted to such uses as a temporary construction office, sales office and/or storage facility, temporary operations office pending construction of a permanent facility, and the like.

Uses, Conditional. Those uses that are allowed in a particular zoning district, but only under certain specified conditions.

Uses, Permitted. Those uses that are allowed in a particular zoning district as a matter of right.

Uses, Principal. The main purpose for which a lot is intended and for which it may be used.

Variance. A modification of the terms of this Ordinance granted by the Zoning Board of Appeals in accordance with criteria as set forth herein.

Vehicle, Abandoned. A vehicle which does not bear a current license plate with an appropriate decal affixed thereto, if required, unless said vehicle is stored within a completely enclosed building or unless it is stored on a bonafide sales lot and is in a satisfactory operating condition.

Vehicle/Boat Sales. A business establishment primarily involved in the sale of automobiles, trucks, farm equipment, heavy construction equipment, motorcycles, boats, recreational vehicles or trailers, or other vehicles, excluding manufactured homes.

Wall. Structures made of masonry or concrete. (Adopted 08/14/08 and enacted 10/01/08)

Warehouse. A building in which at least seventy-five (75) percent of the gross floor area is devoted to retention of goods, merchandise, supplies or other materials produced on site or received in shipment for ultimate sale or shipment elsewhere.

Water Impoundment. A body of water confined by a dam, dike, floodgate, or other barrier.

Yard. A required open space on a lot that is left unoccupied with structures and facilities except as permitted herein.

Yard, Front. The area between a property line adjacent to a thoroughfare and the building line, extending the full width of the lot.

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Yard, Rear. The area between the rear property line and the rear building line, extending the full width of the lot.

Yard, Side. The area between the side property line and the side building line, extending from the front yard to the rear yard.

Zoning Administrator. The person who has been designated by the Board of Commissioners to administer the enforcement of this Ordinance.

